

H 10543

CONGRESSIONAL RECORD — HOUSE

November 18, 1983

Campbell
Chandler
Clarke
Clinger
Coelho
Collins
Conable
Conte
Conyers
Coyne
Crockett
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Dwyer
Eagar
Edwards (AL)
Edwards (CA)
Erlenborn
Evans (IL)
Fascell
Fazio
Fish
Filippo
Foglietta
Foley
Ford (TN)
Forsythe
Frank
Frenzel
Frost
Fuqua
Garcia
Gelderson
Gerhardt
Gibbons
Gingrich
Glickman
Gore
Gradison
Gray
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hamilton
Harrison
Hatcher
Hayes
Hefner
Hefner
Hightower
Hillis
Horton
Howard

Hoyer
Hyde
Jeffords
Jenkins
Johnson
Jones (NC)
Kaptur
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kostmayer
LaFalce
Lehman (CA)
Leland
Lent
Levin
Levine
Lipinski
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lundine
Markley
Martin (NC)
Matsui
Mavroules
Mazzoli
McCaIn
McCloskey
McDade
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Mineta
Mitchell
Moakley
Mollohan
Morrison (CT)
Morrison (WA)
Murtha
Nowak
O'Brien
Oberstar
Olin
Ottinger
Oxley
Panetta
Parris
Pease
Pepper
Perkins
Pickle
Porter
Price

NAYS—186

Albosta
Anderson
Andrews (TX)
Applegate
Archer
AsCoin
Badham
Bernard
Bartlett
Bates
Bennett
Bereuter
Bragg
Birnakis
Boer
Booco
Boucher
Brett
Brown (CO)
Bryant
Barton (IN)
Byron
Carney
Carper
Carr
Chappell
Chapple
Cheney
Coles
Coleman (MO)
Coleman (TX)
Coughlin
Coutner
Craig

Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
DeWine
Dorgan
Dowdy
Dreier
Durbin
Dyson
Early
Eckart
Edwards (OK)
English
Erdreich
Evans (IA)
Felgham
Fiedler
Fields
Florino
Fowler
Franklin
Gaydos
Gekas
Gilman
Gonzalez
Goodling
Gramm
Gunderson
Hall, Ralph

Hall, Sam
Hammerschmidt
Hansen (ID)
Harkin
Hartnett
Hertel
Hiler
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jones (OK)
Jones (TN)
Kasich
Kastenmeier
Koiter
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Levitas
Lewis (FL)
Lloyd
Long (MD)
Lowry (WA)
Lujan
Lukens
Lungren

Quillen
Rahall
Rangel
Ratchford
Reid
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland
Roybal
Sabo
Savage
Sawyer
Scheuer
Schneider
Schumer
Seiberling
Shannon
Siskis
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solaz
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Thomas (GA)
Torres
Towns
Udall
Vander Jagt
Vento
Volkmer
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (OH)
Wirth
Wolf
Wright
Wyllie
Yates
Young (MO)
Zablocki
Zschau

MacKay
Marlenee
Marriott
Martin (IL)
Martin (NY)
McCandless
McCollum
McCurdy
McEwen
McGrath
Miller (CA)
Molinar
Montgomery
Moody
Moore
Moorhead
Mrizek
Murphy
Myers
Natcher
Neal
Nelson
Nielsen
Oakar
Obey
Owens
Packard
Pashayan

NOT VOTING—34

Annunzio
Bevill
Clay
Cooper
Corcoran
D'Amours
Dymally
Emerson
Ferraro
Ford (MI)
Hance
Hansen (UT)
Hawkins
Holt
Lehman (FL)
Lewis (CA)
Mack
Madigan
Martinez
Miller (OH)
Minish
Nichols
Ortiz
Paul

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. D'Amours against.

Mr. Minish for, with Mr. Nichols against.

Mr. Martinez for, with Mr. Mack against.

Mr. Madigan for, with Mr. Emerson against.

Mr. Pritchard for, with Mr. Taylor against.

Mr. Cooper for, with Mr. Hansen of Utah against.

Messrs. HERTEL of Michigan, BRYANT, AuCOIN, and BIAGGI changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote as announced was above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. CONABLE asked and was given permission to address the House for 1 minute.)

Mr. CONABLE. Mr. Speaker, on the night of Wednesday, November 16, rollcall 513, House Resolution 190, sense of the House resolution to retain guidelines which insure equal rights with respect to educational opportunity, I am recorded as not voting.

I sincerely believe I was here and that I voted. It is a matter of some interest in my home and my credibility is at stake.

Mr. Speaker, I ask unanimous consent that my statement that I would have voted "aye" on this proposal

appear in the permanent RECORD at the appropriate place.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2968, INTELLIGENCE AUTHORIZATION ACT, 1984

Mr. BOLAND. Mr. Speaker, under the previous order of the House, I call up the conference report on the bill (H.R. 2968) to authorize appropriations for the intelligence and intelligence-related activities of the United States Government. For the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House of November 15, 1983, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report resolves all differences between the House and Senate on figures and personnel levels for the intelligence and intelligence-related activities of the United States intelligence community.

The dollar amounts and personnel levels set by the conference report are contained in the classified schedule of authorizations which, along with a classified annex to the statement of managers, is not available at the offices of the intelligence committee for review by any Member of the House.

We reached that agreement without significant controversy and in a spirit of cooperation.

However, I am certain that Members will be most interested in what this conference report determines with regard to Nicaragua.

Mr. Speaker, the conferees bring back a bill that permits \$24 million to be spent on the covert action in Nicaragua in fiscal year 1984.

As you all know, I believe this paramilitary action in Nicaragua is illegal, unwise, counterproductive, and against the best interest of the United States.

I, and the majority of the House conferees, would have preferred that the covert action be stopped.

This was the position of the House of Representatives.

Just as clearly, it was the position of the Senate conferees and of the Senate, that the action should be per-

Executive Registry

H 10544

CONGRESSIONAL RECORD — HOUSE

November 18, 1983

mitted to continue—and that when appropriated funds ran out, the CIA could utilize the reserve for contingencies unless both intelligence commitments disapproved.

We could have forced a deadlock—and killed both the intelligence authorization bill and the defense appropriation bill.

But the CIA would still have been able to fund the covert action from the continuing resolution and from the reserve for contingencies—and would have had available to it much more than \$24 million.

Instead, we agreed to a compromise—a \$24 million cap on funding from whatever source.

Let me assure my colleagues in the House, that this is a clear limitation on the covert action, although of course it does not stop it.

And, let me assure the administration and the Central Intelligence Agency, that the clear sentiment expressed on both sides of the aisle in both intelligence committees, is that this war can no longer continue as if it were "business as usual." I believe a growing majority believes it must be brought to a close.

I would hope that the administration responds to this message and that all of the \$24 million is not spent.

But if it is, I for one, will vigorously oppose any further appropriation.

Further, those who may contemplate asking next year for further funds on the grounds that they are needed to safely withdraw those whom we support, should think twice about such a stratagem.

It will be seen for what it is—an insult to the Congress.

That withdrawal should begin now.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBINSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROBINSON asked and was given permission to revise and extend his remarks.)

Mr. ROBINSON. Mr. Speaker, I want to express my appreciation to the chairman and all the conferees that worked to insure that we would have an intelligence authorization bill for fiscal year 1984. As most of you know, it has been no small task to resolve the differences between the House and the position of the other body. Again, I want to express my sincere appreciation to Chairman BOLAND for, again, demonstrating the leadership and dedication necessary to insure a continued and effective authorizing process regarding our intelligence programs.

The vast majority of intelligence resource support programs have nothing to do with the so-called covert or special activities which have received so much public attention. Although details of these major intelligence programs must, for the most part, remain secret, we should not lose sight of their contribution to national security

in providing policymakers foreign intelligence crucial to our country's ability to meet the challenges facing us.

I fully support our continuing policy not to disclose publicly the amounts of these requested funds and therefore, I cannot discuss specific conference recommendations. Such details are contained in the classified annex to the conference report, which along with the classified schedule of authorizations referred to in the bill, is available for review by Members of the House.

The conference report generally supports the funding levels requested by the President but we were not persuaded that all of the specific programs were fully warranted. We did not give the intelligence community everything they requested, there were substantial cuts in personnel increases and in other areas where the committee felt cuts would contribute to a more effective utilization of our tax dollars. The committee's recommendations would delete or defer certain programs and in other cases would somewhat increase program funding.

I am pleased to add that while the authorization levels recommended by the conference report are consistent with funding targets adopted in the first budget resolution, the conference recommendations will allow some real growth necessary in the intelligence programs.

The most controversial issue of the conference related to the restrictions on paramilitary activities in Nicaragua. The conference agreed to cap the amount of funds which could be spent from any source, for this paramilitary activity. I believe this compromise represents significant movement for both Houses. As a result, no additional funding could be made available for the Nicaragua activity unless additional authorization and/or appropriations are approved by both Houses. This agreement was reached only after lengthy discussion and debate between the House and Senate conferees. This agreement represents a reasonable and responsible approach to the issue.

I believe, on the whole, this bill, provides for a well-balanced intelligence program essential to our national security and foreign policies. Whether questions involve the negotiating arms reductions, dealing with expanding communist influence on every continent, or coping with the political and economic realities of today's extremely volatile world, demands for high quality and timely intelligence will continue to proliferate.

I fully support the conference report and ask my colleagues to join with me and adopt this measure.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I thank my distinguished colleague for yielding and I ask for the time to request the gentleman to explain to us how

the covert action authorization was resolved.

Mr. BOLAND. I appreciate the question of the gentleman from New York. That is a question in which a lot of the Members of this House are interested.

Let me say that the Defense appropriations conference and the intelligence conference agreed on \$24 million for the covert operation in Nicaragua. That expenditure will carry that activity—at present rates of expenditure—through June 1984.

If that is the case, additional funding will be required, as I understand it. The administration must then come to the Congress, to the Intelligence Committee and the Appropriations Committee, to request additional funding. At that time, the House will have an opportunity to vote such a request up or down.

Let me say to the gentleman from New York that a failure to approve this particular conference report and failure to approve the Defense appropriations conference report that we voted on just a short while ago would have resulted in a substantial amount of money being available for this particular activity. In addition to the \$19 million that was requested for fiscal year 1984, there are some carryover funds in the reserve for contingencies from 1983 to 1984, plus the requested amount for the reserve for contingencies in 1984, with the result that the amount of money that would have been available for this activity in fiscal year 1984 would have been substantially higher than the \$24 million that is in this conference report. Why? Because the intelligence community could have dipped into the reserve for contingencies and used almost that entire funding to carry on the covert action in Nicaragua.

We have prevented that result both in the intelligence authorization bill and also on the DOD appropriations bill by placing an absolute cap of \$24 million on this activity. They can get no more money anywhere else. So the \$24 million is the top figure, the only figure. They cannot go into the reserve for contingencies. They cannot expend any additional funding for this activity until they make a request to the Congress in a supplemental appropriations bill. We will have the opportunity at that time to approve or disapprove that request.

That substantially is the recommendation of both the DOD appropriations conference committee and the intelligence conference committee.

Mr. WEISS. Would the gentleman answer one further question?

Mr. BOLAND. Yes.

Mr. WEISS. Am I correct then in assuming on the basis of the gentleman's explanation that the Boland-Zablocki concept is no longer operative, that is, covert action is no longer prohibited.

November 18, 1983

CONGRESSIONAL RECORD — HOUSE

H 10545

Mr. BOLAND. The gentleman is absolutely correct. There was no chance that the Boland-Zablocki bill would even be taken up in the Senate, despite the fact we passed it twice here in the House. That was the sticking point. The Senate would not accept it.

□ 1630

I think that our insistence that additional funding for this operation must be voted on by the House was a giant step in the right direction of at least controlling the expenditure. We likely will have an opportunity to get another look at this sometime in June 1984. We intend to monitor this program substantially and closely in the months ahead.

Mr. WEISS. I thank the gentleman for his explanation.

Mr. Speaker, I intend to vote against the authorization.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

Mr. BOLAND. I yield to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, the only reason I importune the gentleman is to ask him if there is anything in this authorization concerning the National Security Agency.

Mr. BOLAND. Yes; there is. There would be a substantial amount of money in here for NSA. Of course, that is one of the most important elements of the intelligence community. So there is a substantial amount of money in here. As the gentleman knows, that particular figure is classified, but it has been carried in every authorization bill since this committee was established 6 years ago.

Mr. GONZALEZ. The reason I am asking is that I have very, very troubling and disturbing information conveyed to me confidentially in which I understand that conversations are monitored—say, I receive a long-distance call from Mexico or anyplace outside the United States, particularly south of the border, that that conversation is monitored by the National Security Agency.

This is most disturbing. I do not know what authorization there is in the law for that. And I do not know if the gentleman is aware of that, or if it is true or not.

Mr. BOLAND. I appreciate the question of the gentleman. The gentleman from Massachusetts and the gentleman from Virginia are completely aware of the activities of the NSA. Insofar as those activities involve electronic surveillance in the United States, they are controlled under the Foreign Intelligence Surveillance Act. The act requires a warrant from the Foreign Intelligence Surveillance Court that was established when the act was passed back in 1978. The NSA has to go to that court to get a warrant to monitor anyone's telephone conversations in the United States. In the case of communications not covered by the act, the identify of and in-

formation concerning any American citizen must not be used unless it constitutes foreign intelligence or counterintelligence information. This process is called minimization and minimization procedures are utilized by the National Security Agency as approved by the Foreign Intelligence Surveillance Court and the Attorney General. This process applies to all communications intercepted by the NSA.

Mr. GONZALEZ. The reason it is disturbing is that my information is that this is being done systematically with or without a court order.

Mr. BOLAND. No; the answer to that would be no. It is not done systematically without a court order. That answer is a definite "No."

Mr. GONZALEZ. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO S. 589, AUTHORIZING CAPITAL IMPROVEMENT PROJECTS ON GUAM

Mr. WON PAT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 589) to authorize \$15,500,000 for capital improvement projects on Guam, and for other purposes, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

(For Senate amendments to House amendment, see subsequent pages of the RECORD of this date.)

Mr. WON PAT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Guam?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, will the gentleman briefly tell the House what the Senate amendments would do?

(Mr. WON PAT asked and was given permission to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, if the gentleman will yield, the Senate made relatively minor amendments to our major amendment of S. 589. The other body essentially agreed to the House's bipartisan development of the initial Senate bill into the omnibus insular areas assistance bill of 1983. They

made only a couple of modifications and a few additions.

The three new provisions are worthwhile and, I understand, supported by the administration.

The most important would resolve a problem that has resulted from the long delay in terminating our United Nations Pacific Islands trusteeship. This is the inconvenience and discrimination the people of the Northern Mariana Islands have been subjected to because they still have not received the U.S. citizenship promised them in their covenant.

The reason they have not is that Public Law 94-241, which approved the establishment of our newest territory, linked the granting of citizenship to termination of the trusteeship which still covers the Northern Mariana Islands insofar as the United Nations is concerned.

When the covenant was approved, no one anticipated that it would take so long to resolve the future political status of the other entities of the trust territory and, thus, for the promised citizenship to be actually granted.

The Senate amendments would not confer citizenship earlier than termination of the trusteeship. What they would do is prevent further incidences of inconvenience or discrimination until citizenship is actually granted.

This would be accomplished by exempting Northern Marianas citizens from certain U.S. citizenship or nationality requirements in law regarding compensation, employment, Federal services and financial assistance. The President would also be authorized to make other exemptions from laws identified by the Northern Mariana Islands Commission on Federal Laws. If he does not act, U.S. citizenship or nationality requirements would not apply to Northern Marianas citizens in laws that apply to the territory, with certain limitations.

Another new provision would extend article VI, clause 3 of the Constitution to the Virgin Islands. This would require the territory's officeholders to take the same oath of support for the Constitution as do Federal and State officeholders. This would be in lieu of the oath currently required by the Revised Organic Act which would be repealed by this bill.

The third new provision would clarify that certain provisions of territorial law, intended to deal with Indians in Western Territories, do not apply to the current insular territories.

It would also repeal a number of other archaic provisions of territorial law.

The two modifications of the House's amendment made by the Senate are also acceptable to its bipartisan sponsors.

The primary change in one is imperative because of impending but unnecessary legal action. The language is needed to permit the Environmental Protection Agency not to take action

Executive Registry

25-596